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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 SCOTT CARROLL BOLTON,

9 Plaintiff,

10 v.

11 KING COUNTY CORRECTIONS, et al.,

12 Defendants.

Case No. C17-388-RSM

ORDER OF DISMISSAL

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14 Having reviewed the Report and Recommendation (“R&R”) of the Honorable James P.
15 Donohue, Chief United States Magistrate Judge, the objections or responses to that, and the
16 remaining record, the Court finds and ORDERS:

17 (1) The Court ADOPTS the Report and Recommendation.

18 (2) After Judge Donohue issued his R&R, Plaintiff filed Objections in which he asked
19 the Court to dismiss his Complaint without prejudice because he could not access the law library
20 (Dkt. #15), and a separate motion to dismiss his Complaint without prejudice for the same reason
21 (Dkt. #16). That request is DENIED. The Court expended considerable time and effort reviewing
22 Plaintiff’s claims, assessing their merits, and determining whether Plaintiff’s action should be
23 served on Defendants. Ultimately, Judge Donohue determined that all of Plaintiff’s claims were
deficient and should be dismissed, and that this dismissal should count as a strike under Section

1 1915(g). Allowing Plaintiff to voluntarily dismiss this action now, after a decision has been
2 rendered, would frustrate Congress's aim of deterring prisoners from filing baseless lawsuits. *See*
3 *Crawford-El v. Britton*, 523 U.S. 574, 596, 118 S. Ct. 1584, 140 L. Ed. 2d 759 (1998). While the
4 Ninth Circuit has not yet considered whether a prisoner should be allowed to voluntarily dismiss
5 his action after screening has found it to be deficient, several District Courts have disapproved of
6 this practice. *See Blaisdell v. Haw. Dep't of Pub. Safety*, 2012 U.S. Dist. LEXIS 170446 (D. Haw.
7 Nov. 30, 2012) (collecting such cases). Further, to the extent Federal Rule of Civil Procedure
8 41(a) generally allows voluntary dismissal, that right is not unlimited and the PLRA's screening
9 requirement and three-strikes provisions trump the civil rule. *Id.* Accordingly, the Court adopts
10 the R&R in full and denies Plaintiff's request to voluntarily dismiss his action without prejudice.¹

11 (3) Plaintiff's Amended Complaint and this action are DISMISSED with prejudice for
12 failure to state a claim upon which relief may be granted.

13 (4) This dismissal counts as a STRIKE for purposes of 28 U.S.C. § 1915(g).

14 (5) The Clerk is directed to send copies of this Order to plaintiff and to Judge Donohue.

15 Dated this 7 day of August, 2017.

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19 RICARDO S. MARTINEZ
20 CHIEF UNITED STATES DISTRICT JUDGE
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23 ¹ The Court also notes that Plaintiff is no stranger to this Court, having filed at least ten separate actions in this District over at least the past six years, and is therefore familiar with the Court's requirements, procedures and practices.